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To: Deputy Directors-General, Chief Directors, Directors (Head Office and District Offices), Deputy Directors, Chief Education Specialists, Heads: Curriculum Support, Circuit Managers, Heads: Management and Governance, Deputy Chief Education Specialists, Subject Advisers, Principals of public schools and Chairpersons of Governing Bodies

Short summary: *To inform all principals, governing bodies and school-based stakeholders under the Western Cape Education Department (WCED) about the procedures that apply when alcoholic liquor is brought onto, sold or consumed on school premises and/or at school activities.*

**Subject: Sale and consumption of alcoholic liquor on school premises or at school activities and the presence of learners when alcoholic liquor is consumed or sold on school premises or at a school activity**

1. This circular should be read in conjunction with Circular 004/2019, dated 09 February 2019.
2. The Western Cape Provincial School Education Amendment Act, 2018 (Act 4 of 2018), published in *Provincial Gazette Extraordinary* No. 8010 of 29 November 2018, has been proclaimed by the Premier under section 29 of the Act.
3. Since the proclamation of the Western Cape Provincial School Education Amendment Act, 2018 (Act 4 of 2018), the Western Cape Education Department (WCED) has received enquiries from schools and the public regarding the sale and consumption of alcoholic liquor on school premises and at school activities and the presence of learners when alcoholic liquor is consumed or sold on school premises or at a school activity.
4. The Head of Department, in terms of section 45B(11) of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997), has issued the *Western Cape Education Department Guidelines for the Consumption or Sale of Alcoholic Liquor on School*

*Premises or at a School Activity and the Presence of Learners when Alcoholic Liquor is Consumed or Sold on School Premises or at a School Activity.*

5. The purpose of this circular is to provide guidance to principals and governing bodies on how to carry out their responsibilities in this regard.
6. The principal or governing body is obligated to ensure that the sale or consumption of alcoholic liquor on school premises or at a school activity is strictly managed and monitored.
7. Principals and governing bodies must familiarise themselves with the contents of the Western Cape Liquor Act, 2008 (Act 4 of 2008), and any other applicable legislation, regulations or by-laws relating to the use or sale of alcoholic liquor on school premises or at a school activity.
8. A copy of the *Western Cape Education Department Guidelines for the Consumption or Sale of Alcoholic Liquor on School Premises or at a School Activity and the Presence of Learners when Alcoholic Liquor is Consumed or Sold on School Premises or at a School Activity*, an annual application form to apply for the consumption or sale of alcoholic liquor on school premises or at a school activity, and a copy of the process for applying for an event liquor licence with the Western Cape Liquor Authority, are attached hereto.
9. Should there be any further queries regarding this matter, please feel free to contact your relevant district office.
10. Kindly bring the contents of this circular to the attention of all concerned.

**SIGNED:** BK SCHREUDER  
**HEAD: EDUCATION**  
**DATE:** 2019-10-11



**Western Cape  
Government**

Education

Office of the Head: Education

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**WESTERN CAPE EDUCATION DEPARTMENT GUIDELINES FOR THE CONSUMPTION OR SALE OF  
ALCOHOLIC LIQUOR ON SCHOOL PREMISES OR AT A SCHOOL ACTIVITY AND THE PRESENCE  
OF LEARNERS WHEN ALCOHOLIC LIQUOR IS CONSUMED OR SOLD ON SCHOOL PREMISES  
OR AT A SCHOOL ACTIVITY**

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## **Contents**

1. Definitions
2. Introduction
3. Legislative framework
4. Scope
5. Purpose
6. Application for authorisation
7. Procedures to apply
8. Factors to be considered by the Head of Department
9. Decision by the Head of Department
10. Duration of the validity of the authorisation
11. The responsibilities of a governing body and principal in relation to consumption or sale of alcoholic liquor
12. Application for an event liquor licence
13. Safety at functions
14. Presence of learners during consumption or sale of alcoholic liquor and related matters
15. Hours of consumption or sale of alcoholic liquor
16. Restrictions
17. Proceeds generated from consumption or sale of alcoholic liquor

## **Annexures**

Annexure A: Annual application form for authorisation to permit the consumption or sale of alcoholic liquor on school premises or at a school activity and the presence of learners when alcoholic liquor is consumed or sold on school premises or at a school activity

Annexure B: The process for applying for an event liquor licence with the Western Cape Liquor Authority

## 1. Definitions

- 1.1 In these guidelines, any word or expression to which a meaning has been assigned in the Act, shall have that meaning assigned and, unless the context indicates otherwise—

“event liquor licence” means a licence granted for an event in terms of the Western Cape Liquor Act, 2008 (Act 4 of 2008);

“Liquor Licensing Tribunal” means the liquor licensing tribunal referred to in section 15 of the Western Cape Liquor Act, 2008 (Act 4 of 2008);

“staff function” means a social, recreational, cultural or official gathering by the employees of the school; and

“the Act” means the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).

## 2. Introduction

- 2.1 Section 45B(1) of the Act stipulates that *“Notwithstanding the prohibition of alcoholic liquor on school premises or during any school activity contemplated in section 45A(1), the Head of Department may, on application in writing, authorise a governing body, or in the case of a staff function a principal, of a public school to permit the consumption or sale of alcoholic liquor on school premises or at any school activity or school activities held on school premises.”*
- 2.2 The Act makes it possible for a governing body of a public school to supplement the resources supplied by the state to improve the quality of education provided by the school to all learners at the school by permitting the consumption or sale of alcoholic liquor on school premises (including at a school activity) for fund-raising purposes.
- 2.3 Section 45B(11) of the Act further states that the Head of Department—
- “(a) may issue guidelines to schools for the consumption or sale of alcoholic liquor on school premises or at a school activity in accordance with this section; and*
  - (b) must issue guidelines to schools regarding the presence of learners when alcoholic liquor is consumed or sold on school premises or at a school activity in accordance with this section.”*

- 2.4 This document sets out guidelines to schools for the consumption or sale of alcoholic liquor on school premises or at a school activity and the presence of learners when alcoholic liquor is consumed or sold on school premises (including at a school activity), as contemplated in section 45B(11) of the Act.
- 2.5 Section 45A(1A) provides that the prohibition relating to alcoholic liquor on school premises and school activities does not apply to the lawful consumption of alcoholic liquor by a person other than a learner at a school activity that is held off school premises.

### **3. Legislative framework**

- 3.1 The legislative framework for these guidelines is:
  - 3.1.1 The Western Cape Provincial School Education Act, 1997 (Act 12 of 1997).
  - 3.1.2 The Western Cape Liquor Act, 2008 (Act 4 of 2008).
  - 3.1.3 Municipal by-laws relating to the use of alcoholic liquor on school premises.

### **4. Scope**

These guidelines apply to all public schools in the Western Cape Province.

### **5. Purpose**

- 5.1 These guidelines are designed to—
  - 5.1.1 Provide procedures to be followed by the governing body or the principal of a public school when applying to the Head of Department for authorisation to permit the consumption or sale of alcoholic liquor on school premises (including at a school activity held on school premises).
  - 5.1.2 Make provision for the presence of learners when alcoholic liquor is consumed or sold on school premises or at a school activity.
  - 5.1.3 Ensure that there are safety measures in place during the consumption or sale of alcoholic liquor on school premises or at a school activity.

5.1.4 Provide for matters incidental to the consumption or sale of alcoholic liquor on school premises or at a school activity.

## **6. Application for authorisation**

6.1 In the case of a staff function, the principal must apply to the Head of Department for authorisation to permit the consumption or sale of alcoholic liquor on school premises or at a school activity.

6.2 In all other circumstances, the governing body must apply to the Head of Department for authorisation to permit the consumption or sale of alcoholic liquor on school premises or at a school activity.

6.3 The application as contemplated in the above paragraphs must always be in writing and signed by the principal for staff functions, and by the chairperson of the governing body in all other circumstances.

## **7. Procedures to apply**

7.1 An application for authorisation to permit the consumption or sale of alcoholic liquor on school premises or at a school activity must be made to the Head of Department through the District Director of the relevant district office on the application form attached hereto as **Annexure A**.

7.2 The application form must be completed in full by the governing body or the principal, as the case may be, and recommended by the District Director of the relevant district for approval by the Head of Department.

7.3 The application will at least require the governing body or principal concerned—

7.3.1 to provide sufficient particulars to enable the Head of Department to make an informed decision;

7.3.2 to specify the estimated dates and types of staff and school functions or other activities;

7.3.3 to indicate arrangements that are in place or will be made to ensure safety at the school function or other activity; and

7.3.4 to indicate if learners will be present at the school activity and the measures planned to be taken to avoid exposing the learners to the consumption or sale of alcoholic liquor.

## **8. Factors to be considered by the Head of Department**

8.1 In considering whether to grant the authorisation contemplated in paragraph 6 of these guidelines, the Head of Department must have due regard to the following:

8.1.1 The policies of the Western Cape Government regarding alcohol harms reduction.

8.1.2 The religious ethos of the school and the community.

8.1.3 The motivation for the application.

8.1.4 Whether the authorisation will be beneficial to the school.

8.1.5 Safety measures adopted by the school.

8.1.6 Any other factors which the Head of Department may deem relevant in reaching an appropriate decision.

## **9. Decision by the Head of Department**

9.1 The Head of Department may refuse or may grant the authorisation applied for by the governing body or principal as contemplated in paragraph 6, subject to such conditions as the Head of Department may impose.

9.2 The decision of the Head of Department must always be communicated in writing to the governing body or the principal and the District Director, as the case may be.

9.3 If the Head of Department decides to refuse an application for authorisation contemplated in paragraph 6, the Head of Department must provide the applicant with reasons for his or her decision.

9.4 If the governing body or principal, as the case may be, is aggrieved by the Head of Department's decision, the governing body or principal, as the case may be, may lodge an appeal with the Provincial Minister within 14 days of receiving the decision from the Head of Department.



## **10. Duration of the validity of the authorisation**

- 10.1 Unless the authorisation granted by the Head of Department is limited to a particular event or events or to a stipulated time frame through the conditions imposed with the authorisation, the authorisation will remain valid for one specific academic year.
- 10.2 A school must apply annually indicating the relevant events or school activities.
- 10.3 Applications, specifying all planned school activities and events where alcoholic liquor will be consumed or sold must reach the office of the District Director not later than 31 October preceding the year during which the planned activities and events will take place.
- 10.4 These planned activities and events must be communicated when the governing body prepares the budget for consideration and approval.

## **11. The responsibilities of a governing body and principal in relation to consumption or sale of alcoholic liquor**

- 11.1 A governing body or a principal may impose conditions as may be deemed necessary in relation to the consumption or sale of alcoholic liquor on school premises or at a school activity, provided that these conditions may not conflict with conditions imposed by the Head of Department or in terms of the event liquor licence imposed by the Western Cape Liquor Licensing Tribunal.
- 11.2 If a governing body or a principal is granted the authorisation to permit the consumption or sale of alcoholic liquor, the governing body or principal, as the case may be, may not compel any school staff member to participate in the function if the latter is unwilling to participate due to religious, cultural or other reasons.
- 11.3 The governing body or principal must ensure that the consumption or sale of alcoholic liquor on school premises or at a school activity is managed and monitored.
- 11.4 The governing body or principal must familiarise themselves with the contents of the Western Cape Liquor Act, 2008 (Act 4 of 2008), and any other applicable legislation, regulations or by-laws relating to the consumption or sale of alcoholic liquor.

11.5 The governing body or principal must keep a record of all school activities or staff functions where alcoholic liquor is consumed or sold in a register for monitoring purposes.

## **12. Application for an event liquor licence**

12.1 In the case where the intention is to consume but not sell alcoholic liquor on school premises or at a school activity, no event liquor licence is required.

12.2 In the case where the intention is to sell alcoholic liquor on school premises for consumption on or off school premises, an event liquor licence as set out in **Annexure B** must be obtained from the Western Cape Liquor Authority. An application for an event liquor licence must be accompanied by the Head of Department's letter of authority (**Annexure A**) together with a letter from the principal or the chairperson of the governing body, as the case may be, indicating that permission has been granted for the staff function or school activity in question.

12.3 The conditions imposed in terms of the event liquor licence are additional to any conditions imposed by the Head of Department, governing body or the principal in the case of a staff function.

## **13. Safety at functions**

13.1 A governing body or a principal that has been granted the authorisation to permit the consumption or sale of alcoholic liquor on school premises or at a school activity must ensure that there is a sufficient number of persons at the function who are responsible for the safety and well-being of persons attending the school activity.

13.2 The persons contemplated in the above paragraph must not consume alcoholic liquor on the day of the school activity and whilst on duty at the school activity.

13.3 The persons must be adequately supported and trained to deal with the problems and risks associated with the consumption of alcoholic liquor.

13.4 Alcoholic liquor should not be sold to a person who is drunk, showing signs of intoxication or acting in a disorderly manner.

13.5 A governing body or a principal of a school may display taxi services or contact details of such services in order for patrons to make arrangements to get home safely.

13.6 A governing body or a principal of a school may consider hiring security guards to deal with safety-related issues or solicit the police's presence depending on the circumstances of the function.

#### **14. Presence of learners during consumption or sale of alcoholic liquor and related matters**

14.1 A governing body or a principal, as the case may be, must ensure that an area where alcoholic liquor is consumed or sold, is a restricted area for learners and that the learners are prohibited from entering the said area unless accompanied by a parent or adult person nominated by the parent. Access to restricted areas must be monitored by an adult who may not consume alcohol on the day of the school activity and whilst on duty at the school activity.

14.2 A governing body or a principal of a school must ensure that a restricted area is marked by means of a notice placed at the entrance of the restricted area containing the words "**RESTRICTED AREA – NO LEARNERS ALLOWED UNLESS ACCOMPANIED BY A PARENT OR ADULT PERSON NOMINATED BY THE PARENT**" in boldface, upper case letters at least 5 cm in height and in black lettering not less than 0.5 cm wide.

14.3 No learner may under any circumstances enter any room or place where alcoholic liquor is sold over a counter where meals are not being served to diners seated at tables in the same room or place, and any such area must be marked by means of a notice placed at the entrance of the restricted area containing the words "**RESTRICTED AREA – NO LEARNERS MAY ENTER**" in boldface, upper case letters at least 5 cm in height and in black lettering not less than 0.5 cm wide.

14.4 Under no circumstances may alcoholic liquor be sold to a learner.

14.5 The school may not allow a learner to consume alcoholic liquor.

14.6 The school may not allow or ask a learner to assist in a school activity by selling, storing, packing or carrying alcoholic liquor.

14.7 An exception is allowed as contemplated in section 45A(1) of the Act where the "*principal for legitimate educational purposes*" may authorise a learner to be present at a school activity where alcoholic liquor is consumed or sold.

## **15. Hours of consumption or sale of alcoholic liquor**

- 15.1 The consumption or sale of alcoholic liquor at a school activity or staff function held on school premises must only occur after school hours.
- 15.2 The consumption or sale of alcoholic liquor during school hours is prohibited.
- 15.3 In the event of the sale of alcoholic liquor, the governing body or principal, as the case may be, must comply with the hours imposed by the Liquor Licensing Tribunal and applicable municipal by-laws of the region.

## **16. Restrictions**

- 16.1 No alcoholic liquor may be advertised or displayed on any part of a school's premises.
- 16.2 If a school hires any of its facilities or part thereof to a third party, it may decide to stipulate that alcoholic liquor may or may not be sold on those premises or determine the manner in and the period for which the facilities will be used. If alcohol is to be sold, the persons to whom the facilities are hired must be made aware of the requirement to obtain an event liquor licence.
- 16.3 Notwithstanding paragraph 16.2, a governing body or a principal may not, under any circumstances, hire a portion of the school to any person whose sole aim is to sell alcoholic liquor.
- 16.4 No alcoholic liquor may be consumed or sold during school sporting events, e.g. rugby, netball, cricket, tennis, athletics, etc.

## **17. Proceeds generated from consumption or sale of alcoholic liquor**

- 17.1 A governing body or a principal must ensure that the proceeds derived from a school activity is reflected in the financial statements of the school.
- 17.2 The proceeds generated from the consumption or sale of alcoholic liquor must be used only for—
  - 17.2.1 educational purposes, at or in connection with such school; and

17.2.2 educational purposes, at or in connection with another public school, by agreement with such other public school.

**SIGNED:** BK SCHREUDER

**HEAD: EDUCATION**

**DATE:** 2019-10-11



**ANNUAL APPLICATION FORM FOR AUTHORISATION TO PERMIT THE CONSUMPTION OR SALE OF ALCOHOLIC LIQUOR ON SCHOOL PREMISES OR AT A SCHOOL ACTIVITY AND THE PRESENCE OF LEARNERS WHEN ALCOHOLIC LIQUOR IS CONSUMED OR SOLD ON SCHOOL PREMISES OR AT A SCHOOL ACTIVITY**

The consumption or sale of alcoholic liquor on school premises or at a school activity, as contemplated in section 45B(4) of the Western Cape Provincial School Education Act, 1997 (Act 12 of 1997) is subject to—

- (a) the Western Cape Liquor Act, 2008 (Act 4 of 2008) and any conditions imposed in terms of that Act
- (b) any conditions imposed by—
  - (i) the governing body;
  - (ii) the principal in the case of a staff function; or
  - (iii) the Head of Department.

**APPLICATION FOR AUTHORISATION TO PERMIT THE CONSUMPTION OR SALE OF ALCOHOLIC LIQUOR ON SCHOOL PREMISES OR DURING A SCHOOL ACTIVITY MUST BE MADE ON AN ANNUAL BASIS.**

**AUTHORISATION SOUGHT IS LIMITED TO SPECIFIC EVENTS AS DETAILED IN PARAGRAPH 1 IN THE APPLICATION FORM.**

**NO ALCOHOLIC LIQUOR MAY BE SOLD OR CONSUMED AT ANY SCHOOL SPORTING ACTIVITY.**

**APPLICATIONS MUST REACH THE OFFICE OF THE DISTRICT DIRECTOR NOT LATER THAN 31 OCTOBER PRECEDING THE YEAR DURING WHICH THE INTENDED PLANNED ACTIVITIES AND EVENTS WILL TAKE PLACE.**

Name of school:

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Address:

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Telephone number:

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Email address:

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**A. APPLICATION FOR AUTHORISATION TO PERMIT CONSUMPTION/SALE OF ALCOHOLIC LIQUOR ON SCHOOL PREMISES OR AT A SCHOOL ACTIVITY**

To be completed by the principal in the case of a staff function(s) and by the chairperson of the governing body in all other circumstances:

1. Specify the estimated date and type of function(s)/school activity(ies) or staff function(s) the school anticipates holding where alcoholic liquor may be consumed or sold:

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2. Specify if the school intends to hire its facilities or part thereof to a third party where alcoholic liquor may be consumed or sold:

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3. Purpose of the school activities/staff functions?

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4. Has a majority decision to consume or sell alcoholic liquor on school premises or at any school activity or school activities held on school premises been ratified by the governing body of the school?.....
  
5. Will the school activity/staff function/special event comply with the conditions imposed by the Western Cape Liquor Authority, where applicable?  
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6. Has the local South African Police Service been informed about the school activity/staff function/special event, where applicable? .....
  
7. What are the measures taken or to be taken to ensure that learners will not be present at the venue where alcoholic liquor is consumed or sold unless accompanied by a parent or adult person nominated by the parent (in the circumstances where this is permitted)?  
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*\*\*NOTE: No learner may under any circumstances enter any room or place where alcoholic liquor is sold over a counter where meals are not being served in the same room or place.*

8. What are the safety measures in place?  
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Name of principal:

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Signature: .....

Witness: .....

Date: .....

Name of chairperson of governing body:

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Signature: .....

Witness: .....

Date: .....

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**FOR OFFICE USE ONLY**

Comments:.....  
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**Circuit Manager:** .....

**Date:** .....

Recommend/Do not recommend application

Comments:.....  
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**District Director:** .....

**Date:** .....

Approved/Not approved

**CONDITIONS:**

1. Alcoholic liquor may not under any circumstances be sold for consumption on or off school premises except strictly in accordance with the necessary event liquor licence obtained from the Western Cape Liquor Authority.
2. No alcoholic liquor may be consumed or sold during school sporting events, e.g. rugby, netball, cricket, tennis, athletics, etc.
3. Comply with the responsibilities of a governing body and a principal in relation to the consumption or sale of alcoholic liquor as set out in paragraph 11 of the *Western Cape Education Department Guidelines for the Consumption or Sale of Alcoholic Liquor on School Premises or at a School Activity and the Presence of Learners when Alcoholic Liquor is Consumed or Sold on School Premises or at a School Activity* (from hereinafter referred to as "the Guidelines").
4. Comply at least with the safety requirements as set out in paragraph 13 of the Guidelines.
5. Comply with requirements regarding the presence of learners during the consumption or sale of alcoholic liquor as set out in paragraph 14 of the Guidelines.
6. Comply with the requirements regarding the hours of consumption or sale of alcoholic liquor as set out in paragraph 15 of the Guidelines.
7. Comply with the restrictions as set out in paragraph 16 of the Guidelines.
8. Comply with the requirements regarding proceeds generated from the consumption or sale of alcoholic liquor as set out in paragraph 17 of the Guidelines.

9. OTHER CONDITIONS:

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**HEAD: EDUCATION:** .....

**DATE:** .....



**WESTERN CAPE**  
LIQUOR AUTHORITY

### **Event Liquor Licence**

***The process for applying for an event liquor licence is given below. Any person of 18 years and older that are not disqualified according to Section 35 of the Western Cape Liquor Act 4 of 2008 as amended can apply for an event liquor licence. Application forms and relevant liquor legislation are available on the Western Cape Liquor Authority website. You can also contact our office on (021) 204 9805 or (21) 204 9700 or email us on [Liquor.Enquiries@wcla.gov.za](mailto:Liquor.Enquiries@wcla.gov.za) for more information or advise.***

- (1) An applicant for an event liquor licence must lodge an application with the Authority, and a copy thereof with the designated liquor officer in whose area of jurisdiction the proposed licensed premises are located and with the municipality concerned.
  
- (2) An application for—
  - (a) an event liquor licence must—
    - (i) be made at least 39 days before the date of the event;
    - (ii) be made in the form of Form 9 in Annexure 3;
    - (iii) be on A4-size standard white paper; and
    - (iv) contain the information as required in that form.
  
- (3) An application for an event liquor licence must be accompanied by—
  - (a) a legible, comprehensive floor plan of the proposed licensed premises on standard white paper not exceeding A3 in size and clearly showing in contrasting colours—
    - (i) the proposed licensed premises in relation to the entire premises;
    - (ii) the dimensions of the proposed licensed premises;
    - (iii) the dimensions of each room on the proposed licensed premises;
    - (iv) the uses of all the rooms on the proposed licensed premises;
    - (v) all doors, windows and counters, where applicable, and means of internal and external access;
    - (vi) the streets and places to which such means of external access lead;
    - (vii) where liquor will be stored on the proposed licensed premises;
    - (viii) the areas on the proposed licensed premises where liquor will be sold in relation to the entire premises; and

- (ix) the areas on the proposed licensed premises where liquor will be consumed in relation to the entire premises;
- (b) a legible site plan of the proposed licensed premises on standard white paper not exceeding A3 in size and clearly showing in contrasting colours—
  - (i) in relation to the proposed licensed premises, an outline of every building on the erf to which the application relates and the uses of those buildings;
  - (ii) the relation of the proposed licensed premises to a residential area;
  - (iii) the relation of the proposed licensed premises to any institutions referred to in section 34(1)(e)(ii) to (v), with distances indicated in metres;
  - (iv) the relation of the proposed licensed premises to an undertaking referred to in section 41(1)(c)(i), with distances indicated in metres;
  - (v) other licensed premises on the erf; and
  - (vi) the date of preparation of and the name and address of the person who prepared the plan;
- (c) an aerial view map showing the relation of the proposed licensed premises to a residential area;
- (d) indexed colour photographs showing the completed internal and external features of the proposed licensed premises as indicated on the floor plan referred to in paragraph (a);
- (e) in a separate document, a description of the premises, with reference to the construction, layout, furnishing, fixtures, fittings and floor covering;
- (f) written representations in support of the application;
- (g) proof of payment to the Authority of the application fee for an event liquor licence set out in Item 3 of Annexure 1;
- (h) a certified copy of the—
  - (i) identity card or document of the applicant;
  - (ii) passport and visa or, where applicable, the permanent residence permit of the applicant, if the applicant is a foreigner; or
  - (iii) relevant registration documents, indicating the identity and, where applicable, the financial interest of all the members, directors, partners, beneficiaries or trustees of the applicant, if the applicant is a person other than a natural person;
- (i) such other documents as may be specified on the application form and in the Act, or as may be requested by the Authority;
- (j) an affidavit by the applicant that he, she or it is not disqualified in terms of section 35 from holding a liquor licence;
- (k) proof that the applicant has lodged a copy of the application with the designated liquor officer in whose area of jurisdiction the proposed licensed premises are located and with the municipality concerned;
- (l) proof of ownership of the proposed licensed premises or, if the applicant is not the owner

- of the premises, written consent from the owner that the applicant may use the proposed licensed premises for the purposes of the licence applied for; and
- (m) a nomination for the appointment of a manager in accordance with regulation 22.
- (4) The designated liquor officer must, within five days after an application has been lodged in terms subregulation (1)(a) or (b), as the case may be, serve a copy of his or her report referred to in section 73(7)(a) containing the information referred to in regulation 15(3)(a)(i) to (vi) and a recommendation contemplated in regulation 15(3)(b) on the applicant and lodge the report with the Authority together with proof that the report has been served on the applicant.
  - (5) The municipality concerned must, within eight days after the application has been lodged in terms of subregulation (1)(a) or (b), as the case may be, forward the comments and documents referred to in section 40(2), if any, to the Authority and the applicant.
  - (6) If the designated liquor officer fails to lodge his or her report in terms of subregulation (5), the Chief Executive Officer may forward a copy of the application to an inspector with a written instruction to lodge a report containing the information referred to in regulation 15(3)(a)(i), (ii), (iii) and (v), a recommendation contemplated in regulation 15(3)(b) and, where available, the information referred to in regulation 15(3)(a)(iv) and (vi), in respect of the application concerned.
  - (7) An inspector must lodge his or her report with the Authority and forward a copy thereof to the applicant within two days of receipt of the instruction referred to in subregulation (7).
  - (8) If the municipality concerned does not forward comments and documents in terms of subregulation (6), the Chief Executive Officer must notify the municipality that the period referred to in subregulation(6) has lapsed and that the Presiding Officer may nonetheless proceed to consider the application made in terms of subregulation (1)(a) or (b), as the case may be.
  - (9) The Authority must serve on the applicant copies of any objections or representations lodged with the Authority in respect of an application made in terms of subregulation(1)(a) or (b).
  - (10) The applicant must, within ten days of lodgement of an application in terms of subregulation (1)(a) or (b), lodge with the Authority his, her or its response to—
    - (a) a report by the designated liquor officer contemplated in subregulation (5) or by an inspector contemplated in subregulation (8);
    - (b) comments and documents, if any, forwarded by the municipality;
    - (c) any objections or representations that may have been lodged with the Authority if the

objections or representations so lodged were served on the applicant within eight days of lodgement of the application.

- (11) The Presiding Officer may, within three days of receipt of the applicant's response contemplated in subregulation (11), or if no response was received, within three days of the day on which the response of the applicant was due in terms of subregulation (11), request additional information as referred to in section 48(9) from the applicant.
- (12) The applicant must furnish the Authority with the additional information within three days of being requested to do so.
- (13) An application for condonation in terms of section 48(10) must be lodged with the Authority in the form of Form 12A.
- (14) An application contemplated in subregulation (14) must be accompanied by—
  - (a) the application in terms of subregulation (1)(a) or (b), as the case may be, in respect of which condonation is applied for;
  - (b) written representations in support of the application; and
  - (c) proof of payment to the Authority of the penalty referred to in section 48(10).
- (15) The Presiding Officer must either grant or refuse an application made in terms of subregulation (1)(a) or (b)—
  - (a) within 19 days of the date of lodgement of the application; or
  - (b) in the case of an application for condonation in terms of subregulation (14), on the day on which the application for condonation is granted.
- (16) The Authority must, on the day following the day contemplated in subregulation (16) notify the applicant and each person who lodged a written objection or representations in respect of the application with the Authority in writing of the decision.
- (17) If the application made in terms of subregulation (1)(a) or (b) is granted—
  - (a) the applicant must, on the day contemplated in subregulation (17), pay the fee set out in Item 5 or 6 in Part A of Annexure 2, as the case may be, to the Authority and lodge proof of the payment with the Authority; and
  - (b) the Authority must, within one day of receipt of proof of the payment referred to in paragraph (a), issue a licence, in the form of Form 10 or 11 in Annexure 3, as the case may be.

- (18) Before the Presiding Officer issues a notice in terms of section 48(13), the Authority must serve on the holder of the licence copies of any report, complaint, referral or representations contemplated in section 48(14) together with a notice in the form of Form 12B in Annexure 3 setting out:
- (a) the action which the Presiding Officer proposes to take in terms of section 48(13);
  - (b) the nature and purpose of the proposed action;
  - (c) the right of the holder of the licence to make representations within the period stipulated in the notice;
  - (d) the right of the holder of the licence to appeal or apply for the review of any decision of the Presiding Officer.
- (19) The Presiding Officer must, on the expiry of the period referred to in the notice, consider and decide on the proposed action to be taken.
- (20) The Authority must, on the day that the Presiding Officer takes a decision as contemplated in subregulation (20)—
- (a) notify the holder of the licence, the Chief Executive Officer and each person who lodged a report, complaint, referral or representations contemplated in section 48(14) with the Authority in writing of the decision; and
  - (b) if the decision is to take any action in terms of section 48(13), deliver or tender the notice referred to in section 48(13) to the holder of the licence.

**For more information contact us on:**

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